583 554 556 expected. The price is set by the corporate group but can vary, and usually does, from one tertiary segment to another. The wealthier tertiary segments tend to have higher bride-prices. This is explained by the fact that they occupy a "higher status" on the prestige scale, and also, by the fact that they wish to carefully control and maintain this status.

[435] For instance, "between cousins" of 'Ailit Ma'fas the mahr is fixed at 60 Egyptian pounds, but "a man can pay more out of generosity if he wishes." Hence, a member of the Ma'fas lineage can increase his prestige within and without his family by paying beyond that which is expected of him. In this case, "generosity" is the variable related to a man's 583 554 556 435 place on the scale of prestige. On the other hand, in another "poorer" lineage, 'Ailit Zagharat, the mahr is 30 L.E. to members of the in-group but "the stranger will pay 60 to 80 L.E., according to the father's wealth." The largest and most famous mahr payment in the area was made by the wealthiest man in al-Qasr who paid seven camels (each worth about 150 L.E.) for his son's wife. The highest fixed mahr in al-Qasr was that of Bait Bu Tarram of 'Ailit Lazumi. It was 100 L.E. for members of 'Ailit Lazumi and, accordingly, much more for strangers. This mahr is in contrast to the average for the area which is about 30 L.E. within the secondary group.

586 521 784 Divorce is a forbidden topic of conversation in al-Qasr. Any talk about one's wife, mother, or sister is considered injudicious.

*613 571 concepts of what is desirable and undesirable. "Every structural arrangement," Raymond Firth has said, "has its moral attributes of obligation" (1961:212). This is most essential in an uncentralized system, such as that of al-Qasr, where no institutions exist outside of the corporate group for the introduction of new principles of organization and association.

181 578 577 *[613] [571] [554] Among the Bedouins, the conceptualization of an authority structure in the role of 'aqila relates to the high value which they place upon a peaceful and orderly world. Children in al-Qasr are taught that one of their serious duties in life is to mediate conflicts, especially, when they are potentially situations which may lead to protracted conflict. And, in a segmentary society where a member's status links him to many different groups in differing degrees of importance, all quarrels are potential group wars. The Bedouin child knows that his elders, and God, want him to follow "the path of the good" (tariiq al-khair). Mainly, this involves helping others to follow "the path of the good" by "bringing them back together" when they are in conflict. When two individuals quarrel and refuse to return to "the path of the good," this brings 'aib ("shame") to each of the persons. When two individuals quarrel, setting off a group conflict, this brings 'ar ("shame") to the respective corporate groups of the individuals (Abou-Zeid 1966). Against individuals who persist in the ways which cause 'aib to himself, or 'ar to his group,

*[613] [626] [784]

181 578 599 626 784 certain sanctions of both a secular and sacred nature may be imposed: expulsion from the group and the curse of God are ultimate coercive interventions in the process of conflict regulation.

*613 181 182 571 The role of 'aqila presents the corporate group as "one person" in opposition to other similarly defined groups. Thus, Fortes says (1953:25), "the way a lineage system works depends on the kind of legal institutions found in the society," and this is a function of its political organization. The Bedouin political organization is characterized by two aspects: the internal political system, and the external political system. Both systems are regulated by the same values and norms. Authority relations within the corporate level are founded on values inculcated in the socialization process, and prescribe political behavior for all who come under the jurisdiction of the respective 'aqila. Authority relations outside the corporate level are conducted through the 'aqila. This political role as a functional part of the lineage structure operates in terms of kinship values; politics at the external level are characterized by no new principles.

*613 571 182 Politics in al-Qasr, and elsewhere for that matter, is a process of problem-solving and conflict regulation between individuals and groups. Political action occurs at different levels of the lineage structure, and each is demarcated as a focus or sphere of authority. But all authority stems from

*613 cases of homicide and one case of wounding) one was at the
578 tribal level; three at the primary level; three at the
619 secondary level; and two at the tertiary level. Of the
681 thirteen cases dealing with property rights over land, water, or women, none took place at the tribal level; four were at the primary level; seven at the secondary level; and one at the tertiary level. One case dealing with marriage rights took place within a tertiary segment and concerned the legitimacy of a man to claim his bint 'amm. Twelve of the twenty-two cases occurred within the 'Aishabat tribe. Of the ten cases of conflict involving units from outside the 'Aishaibat, six cases were between primary units, three cases were between secondary units, and one case involved the 'Ali Ahmar with the Harabi of Libya.

In almost every case involving primary units and tribal units, the two opposing authority groups were actually secondary groups who had the backing of their primary groupings. The case in which the 'Ali Ahmar mobilized to deal with a problem in Libya probably represents an atypical case in history. It is unlikely that tribal groups of this size
[648] could mobilize in time of war or peace, and in this particular case the good international relations of Egypt and Libya were at stake.

•784 There is another realm of sanctions which can be in-
695 voked in cases concerning homicide, wounding, theft, and
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695 602 613 671 untruthfulness and he loses his claim. According to the 'awaiyid, the number of supporters required in a homicide or wounding case is fifty; in a case involving the rightful ownership of land or a well the required number is twenty-five; in a case of conflicting claims over a camel, five relatives must swear in support of the claimant; and in matters concerning smaller animals, such as sheep, the number of supporters will depend upon the number and price of the animals. But, of course, the number of supporters will always be relative to the size of the groups involved, and so the 'awaiyid is not always followed to the letter of the law.

695 (692) The time and place of the oath is fixed by the 'awaaqil adjudicating the given case. It is administered either at the tomb of a "holy man," or at the mosque in Marsa Matruh, and always on a Friday, the Muslim Sabbath. There is a standard text to the oath and this is given in the instructions of the 'awaaqil to the litigants. The Bedouins, with few exceptions, 695 784 believe in the effectiveness of the oath of God. The rationale is that no man is willing to lie and suffer the wrath of God. The curse which results from a "bad oath" usually takes the form of an accident or misfortune to the swearer or a member of his family. The Bedouins believe that divine sanction operates not only against the one who makes a bad oath, but also against the one who bears false witness against another and causes him to take the oath.

1: Obermeyer E-5 (1964-1965) 1969 MT9 Libyan Bedouin MT9
'Aishaibat

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The following excerpt from my field notes concerning Bedouin law will show the earnestness with which informants upheld the function of the oath as a legal sanction.

> I know that you want to find out whether or not the oath will prove the guilt or innocence of a person. Well, it will. First of all, if a man is known to be a liar, those of his relatives who are supposed to support him will refuse to swear the oath. And, if they do take the oath and know that the person is lying, then definitely something bad will happen to both him and them. I will give you a case which will prove what I say. Years ago, there was a quarrel between an 'aiela of Awlad Kharuf ('Ali Abyad) and 'Ailit Abu Qarasa of the 'Aishaibat over the rightful ownership of a Roman well in the desert. The well originally belonged to our family (i.e. 'Ailit Abu Qarasa). The Abu Qarasa requested that the oath be used to settle the matter, and that twenty-five of the Awlad Kharuf swear that the well belonged to them. They swore the oath and the case was finished: the well went to the Awlad Kharuf. The Abu Qarasa could say nothing more since the oath had been taken. But listen to this: within one month's time of taking the oath, seven of the twenty-five Awlad Kharuf swearers were buried. At the present time, only three of the original swearers are still living. One of these three begot only girls, and when these girls married all of their marriages ended in divorce. Another of the three survivors has a son who lost an eye and an arm in an accident. And the third man, he has not married yet. Some of these men who died were very young at the age of death. You see, if I steal 10 L.E. and swear that I did not, then God will punish me ten-fold. God's punishment may strike my animals, my family, or my money; God will take his vengeance through these three means. You should always remember that the life of one man is worth one-hundred wells.

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*[613]

The man who swears the oath places himself and his group in ritual danger. The above description of the oath and its possible consequences show that the Bedouins believe divine punishment can work indirectly. One case-study presented

695 below will show how a "bad oath" can work directly on the
•784 false witness.

784 Divine sanctions enter into other aspects of the
626 Bedouin judicial process and function to maintain social
626 control in al-Qasr. If we can speak of a standard, or
681 minimal sanction, in Bedouin law it would be the dhabiiha and 10 L.E. In any case, however small the offence might be, the litigant found to be in the wrong will have this judgment made against him. But in almost every case "the
[788] party who takes his rights" will refuse the dhabiiha and
[272] 10 L.E. and insist instead upon a ritual three cups of tea. An individual refuses the dhabiiha as an act of brotherhood and thanksgiving that the quarrel has been settled. The Bedouins point out the practical factor that very few men in al-Qasr can afford to part with even one lamb. On the
626 other hand, in more serious cases, such as homicide, which
681 occur in the external sphere of political relations and
682 threaten to disintegrate the political community, the parties
264 involved will actually eat a whole meal together. In this case, the dhabiiha is accepted, for the act of commensality is deemed necessary for reconciliation.

626 But whether or not conflict is concluded by a simple
182 ritual or a large feast, the prevailing mood is one of
771 gratitude that the secular bonds of brotherhood and a pre-ordained sacred order have been maintained. The Bedouin

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578 said: "I did not take anything." The 'awaaqil of both parties
685 met and told the accused: "If you have anything give it to
*613 us; if you do not have anything then swear the oath to this
695 fact." Members of 'Ailit Ma'fas said that the boy was innocent
[571] and told the 'awaaqil that the boy should have his rights
[692] according to the 'awaiyid (i.e. he should be allowed to swear the oath to establish his innocence). The boy accused of the theft, his father, and two other members of 'Ailit Ma'fas selected by the accusers swore the oath and the problem was
619 over. Two months later, the accuser from the Kamailat lost
578 his eye in an accident, because swearing the oath has con-
685 sequences for both parties. A bad oath will work against the
695 •784 one who makes it; there will be a curse upon him, his children, and his money. And the bad effects of an oath will also work against the one who falsely accuses another making him swear the oath.

582 The final two cases deal with marriage rights. The
562 first illustrates a number of things which I have touched on
*613 in the previous discussion of marriage: that a man may choose
792 to ignore the jural structures of the lineage group where the desires of his offspring are concerned; that the female is not the totally subjugated person which one might expect to find in the strongly patrilineal Bedouin society; and that the role of "holy man" functions in the marital area of authority relations.

554 One 'aqila claimed that the rajal khair is a person
627 who shares in his own authority and presides when he is
*613 away, but he separated the "rights" of the two roles. The
[779] 'aqila is able to force two parties in conflict to read the
[578] Fatiha, the first sura of the Quran, in order to terminate
the problem; this is beyond the rights of the rajal khair whose
influence is not directly supported by sacred sanctions. But
•[784] the role of rajal khair does have its "sacred" aspects, for
all Bedouins know that "you should never harm a rajal khair
or God will punish you for this." I never heard this same
thing said about the 'aqila.

554 Historically, it was perhaps the case that the rajal
627 khair was the person of high status who represented the authority
*613 of an absent 'aqila. The role never became institutionalized
182 but functioned as a support and substitute role in a structure
dominated by that of the 'aqila. In a segmentary society
627 where the various structures exist in opposition to one
628 another, it is important that an institution, such as a third
182 non-partisan element, exists to facilitate communication
578 between parties for the purposes of conflict regulation.
Besides the rajal khair, an example of this would be the
traditional case of the wife from an outside tribe who alone
was permitted freedom of passage between the two warring
parties. Her purpose, it was assumed, was that of peace-making.

554 792 627 [709] Suppose the donkey of A (a man present at the interview) gets into the barley of B (another man present). This is actually a serious matter since it could conceivably lead to a big fight between A's 'aiela and B's 'aiela. First, I separate them and make each go to his home. Then I get A's three brothers (his father is dead), we take a dhabiiha (lamb) and go to B's place and all eat together. After the meal, we read the Fatiha (opening sura of the Quran) together to show that all is forgiven. After the Fatiha has been read no trouble will start because this is done in the presence of the Jaraira.

• [784] * [613] He explained that reading the Fatiha in bad faith would bring the same curse from God that a bad oath would bring. He also claimed that only he and the 'aqila have the authority to command men to read the Fatiha.

554 792 627 671 'Amm Salih says that he uses the 'awaiyid as a guide in solving problems, and that it is necessary because "quarrels spread like fire, it is like fire; they spread to killing and war." He was the only person in al-Qasr who

554 792 627 671 709 577 [784] tried to conceptualize the difference between the 'awaiyid Awlad 'Ali and the Sharii'a. 'Amm Salih said that it is wrong to lie, according to both the secular and the sacred authority codes: "One who lies exceeds the word of God, and God will punish him for this. No one can know how this punishment will take place, only God will know this . . . Sometimes a car goes off the road and people will say that it is the punishment of God. But you never know because the punishment of God comes in the after-life." I asked him:

554 792 627 577 "If this is so, why may the rajal khair lie in trying to settle quarrels?" He replied:

156 159 554 695 829 Another thing which I do not like about our old ways is the idea of swearing the oath. For instance, if I steal 1,000 L.E. from you, then you will accuse me. The 'aqila will then come to me and say: "If you did not steal the money, swear the oath." Some of my family will support me in this, swearing that I did not steal the money. The swearing of the oath will take place at a tomb, in the presence of the Quran. This tomb belongs to a dead man, and they tell you that he is a saint. First of all, the thief will swear the oath and then they will believe him; and, secondly, what is the sense of swearing in front of a dead body?

•[784] Hajj 'Ali made no mention of God or of the Bedouin belief that misfortune will be visited upon the one who swears the oath in bad faith. There is an Arabic proverb which Hajj 'Ali repeated here which says in effect that "the thief will always swear."

156 159 554 829 178 Hajj 'Ali actively challenges the traditional basis of the Bedouin moral and political community. Striving to do away with prescribed cousin-right in marriage and the mechanisms of blood-revenge and the oath as means of supporting law and order in al-Qasr is a course which we might expect from an Egyptian official who seeks to integrate the Bedouins into national society. And, in fact, these are all customs which the Governor believes must eventually be eradicated. It is not surprising that Hajj 'Ali's son believes that "it is not civilized" to lay claim to his cousin for, like his father, he also is redefining morality vis a vis "civilization."

It appears obvious in all that he says, including his comments at the Governor's reception, that Hajj 'Ali has

685 627 708 695 [671] [776] The Geneishat selected the tomb of the saint where the oath was to be administered. According to the customary law of Awlad Ali, the plaintiff is the one to decide which saint is to be sought for the taking of the oath by the defendant. Each saint has his own reputation and some are said to be more effective in certain kinds of disputes. The saint selected in this case was Sidi Dmain. Sidi Dmian's tomb is in the Beheira province some 60 miles east of the area of Burg el-Arab. He is [732] [784] known to cause the blindness of those who dare to swear falsely by him, and at least four cases of blindness in the area have been attributed to [671] false oaths at Sidi Dmain. Also according to the law, it is the plaintiff who selects the persons from the defendant's kin unit who are to 685 629 695 613 [803] support him in the oath. Following this rule, the Geneishat, with the help of Hadi, selected the fourteen men from bait Asabei to swear with Rabbu. The number of men that were required in this case was considered very conservative. The usual practice in estimating the number of supporters in any case is done by establishing the value of the damage or compensation and dividing it by ten. The result is the number of men needed to give the oath. If there were not enough adult males in a given kinship unit to fulfill the number needed, some or all the men would have to be sworn twice or three times and each time a person takes the oath he is considered as a separate person until the number needed is met.

Following this rule, and since the value of the property confiscated in the above case was over three thousand pounds, 300 persons should have been sworn in support of Rabbuh. Since this would have complicated the matter greatly, it was agreed that fifteen men were enough. Taieb gave the justification for limiting the number to 15 that trade and, as

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682 feet after that and left." /It seems that later the wound got in-
672 fected. Six months after the incident, Selouma was taken to the
[578] hospital with an infected wound, and three days later he died from
that infection. Selouma's son, Ali, demanded that Muftah pay a
full bloodmoney (L.E. 400) for the death of his father, since the
death was directly caused by the wound inflicted by Muftah. Muftah
denied the charges and claimed that the infected wound which caused
the death of Selouma was not the one inflicted by the stone. Media-
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682 tions continued for some time, and when no agreement was achieved,
672 the aqilas of the two baits to which the parties belonged declared
695 that the decision should be made by the oath which Muftah had to
613 take if he insisted on his claims that the wound was not caused by
his action. Since the case involved the life of a man, Muftah had
to be supported in his oath by fifty-five adult male members of
[671] his 'amar, or 'eila. In accordance with the Daraieb, the selection
[708] was done by members of Selouma's Bait who also selected the tomb of
the saint where the oath would be undertaken. On the date the oath
was to be taken, the disputing parties, as well as all the notables
of friendly tribal segments who were invited to witness the oath,
went to the tomb of the saint. As they started with the procedures,
[784] two of Muftah's cousins who were to support him in the oath and his
uncle refused to swear on the grounds that they were not sure that
Muftah was telling the truth and therefore could not subject them-
selves to the supernatural hazards of taking a false oath. Attempts
by other members who were to support Muftah were made to force the
three men to swear, since their refusal meant that the bloodmoney

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

into the Order ordinary members. This is done simply by the two persons concerned shaking hands and reciting the *fatiha*, the opening verse of the Koran, together. These categories can hardly be regarded as grades and I can cite the authority of Sayyid Muhammad Idris to support the opinion that they have never meant more than that some persons were recognized as more learned than others and therefore better qualified to recite the longer and more advanced religious exercises.

II

The Grand Sanusi's desire to create around him a society living the life of primitive Islam and his missionary zeal gave an impression, enhanced by the austerity of his Bedouin followers and the remoteness of the Sahara, of excessive puritanism and fanaticism; and some writers have compared the Sanusi movement to the Wahhabi movement on account of these supposed traits. Duveyrier's account,[1] used very uncritically by other writers, is largely to be blamed for the exaggerated stories of the secrecy, puritanism, fanaticism, power, and numbers of the Order that were current at the end of the last century and in the first decade of the present century and which much prejudiced it in the eyes of European Powers with interests in North Africa. With Duveyrier it was an axiom that any foolhardy European who got himself killed in North and Central Africa had been assassinated by Sanusi agents and that any setback to French interests was due to their propaganda.

It is true that the Grand Sanusi, like the founder of the Wahhabi movement, aimed at restoring what he conceived to be the original society of the Prophet. Neither was peculiar in doing so, for every Muslim preacher must have the same aim. The Grand Sanusi forbad the drinking of alcohol and the taking of snuff and at first, though not absolutely, smoking. But all Muslims are forbidden alcohol and many who are neither Sanusi nor Wahhabi think that smoking is best avoided. It is untrue, as has been asserted, that the Sanusi are forbidden coffee. The Bedouin of Libya do not drink coffee, only tea, in

[1] H. Duveyrier, *La Confrérie Musulmane de Sidi Mohammed ben 'Alî es Senoûsî et son Domaine géographique en l'Année 1300 de l'Hégire = 1883 de notre ère*, 1884.

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

praise of which many poems have been written by Brothers of the Order. The Grand Sanusi forbad music, dancing, and singing in the recitations of the Order, but in this he was at one with all the official spokesmen of Islam. Most reformist movements in Islam tend towards asceticism.

Far from being extreme ascetics, however, the Sanusi Brothers eat and dress well, even using scent, and are amiable and merry companions. The Tunisian scholar and traveller Muhammad 'Uthman al-Hashaishi, who travelled in 1896 via Malta, Tripoli, and Banghazi to Kufra to visit al-Sayyid al-Mahdi and met the leading Brothers of the time, remarks that 'they are fond of diversions, honest jesting. I have visited many of their zawiyas and I have made the acquaintance of many of their notables: I have seen only cheerful and smiling faces, welcoming me with benevolence and kindness. May God reward them!'[1]

The Grand Sanusi discouraged the trappings of poverty by his example, his exhortations, and his insistence on the Brothers being self-supporting. Although the Heads of the Sanusiya Order, like the Wahhabi leaders, encouraged settlement on the land, they can hardly have hoped to have greatly influenced the Bedouin to this end; but they insisted on the lodges of the Order supporting themselves by agriculture supplemented by stock-raising, and thereby took a stand against *ittikal*, the dependence for livelihood on alms and not on labour which some mendicant Orders have advocated.

The Order has always been, in fact, conventional as well as orthodox. In its early period it was essentially a missionary Order with the limited aim of bringing by peaceful persuasion the Bedouin Arabs and the peoples of the Sahara and the Sudan to a fuller understanding of the beliefs and morals of Islam, while giving them at the same time the blessings of civilization: justice, peace, trade, and education. Its principles were, as Shaikh Muhammad 'Uthman says, simply 'to do good and avoid evil'.[2]

The accusation of fanaticism is not borne out by either the character of the Bedouin adherents of the Order or by its actions.

[1] Mohammed ben Otsmane el-Hachaichi, *Voyage au Pays des Senoussia à travers La Tripolitaine et les Pays Touareg*, 1912, p. 128 (1st ed., 1903).
[2] Ibid., p. 86.

4: Peters E-5 (1948-1950) 1970 MT9 Libyan Bedouin MT9
Cyrenaica

Telescoping of names, and fusion of names, taken together, can account for the fixity of the genealogy to a large extent. In addition, lines which showed every sign of normal development at one time, have petered out completely, even after they have sometimes assumed the status of tertiary segments. Conditions under which this is likely to happen are not difficult to envisage. If hearsay evidence is correct, disease, when it strikes in the desert, might rage in a camp like wild fire, bringing death to many, but not spreading to other camps, because the camps are so far apart. Even in springtime when men and beasts are together in the pastures, and the larger summer camp has split into four or five smaller ones, the distance between camps may still be a few miles. In summer, when camps are concentrated on the large watering points, the distances between them are considerably more. Disease, therefore, does not spread from camp to camp as rapidly as one might expect in such primitive conditions of living. In 1949 a number of men of a small camp died within a few days of each other. Bedouin opinion attributed these deaths to an allegedly false oath sworn by the deceased a year earlier. Medical opinion ascribed them to filth in a well which the deceased had been cleaning before their illness. In any event, a thriving line of a lineage was wiped off the genealogy. The portion of the Dawwas genealogy shown on this page shows a similar process at work. Again, to give another example, the Nasr section of the Magharba tribe once included six tertiary sections, not four as are now given. Two of these six sections are now represented by only four men of whom two are too old and decrepit to have heirs any longer, and are unmarried in any case; a third, whose wife has long passed child-bearing age, had two sons, but both died before marriage; and the fourth, a very poor and old man, has only one daughter, and is a widower. Three of the four now live with their collateral tribal section, Madhkur, and count themselves members of this group. That they once belonged to two different groups might have passed unnoticed were it not that two elders of the Madhkur section insisted that they should be correctly placed and their entire genealogies be recorded. The younger men argued that although they were aware that the two groups named Farjiani and al-Khadhar at one time